

HOUSE BILL 89

M3, M2

0lr0777
CF SB 3

By: **Delegate O'Donnell**

Introduced and read first time: January 14, 2010

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 19, 2010

CHAPTER _____

1 AN ACT concerning

2 **Environment – Wetlands and Waterways Program Fees – Aquaculture**

3 FOR the purpose of exempting aquacultural activities for which the Department of
4 Natural Resources has issued a certain permit from a requirement to pay
5 certain fees under the Wetlands and Waterways Program; requiring the
6 Aquaculture Coordinating Council to report certain information to the
7 Department of the Environment and the General Assembly on or before a
8 certain date; and generally relating to the Wetlands and Waterways Program.

9 BY repealing and reenacting, without amendments,
10 Article – Environment
11 Section 5–203.1(a) and (b)(1)
12 Annotated Code of Maryland
13 (2007 Replacement Volume and 2009 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Environment
16 Section 5–203.1(b)(2)
17 Annotated Code of Maryland
18 (2007 Replacement Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Environment**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 5–203.1.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) “Major project” means a project that:

4 (i) Proposes to permanently impact 5,000 square feet or more of
5 wetlands or waterways, including the 100–year floodplain;

6 (ii) Is located in an area identified as potentially impacting
7 threatened or endangered species or species in need of conservation by a geographical
8 information system database that:

9 1. Includes sensitive species project review areas and
10 waterfowl concentration and staging areas;

11 2. Has been developed and maintained by the
12 Department of Natural Resources; and

13 3. Is used by the Department to screen incoming
14 applications;

15 (iii) Is located in an area that has been identified as potentially
16 impacting historical or archeological resources by a geographical information system
17 database that:

18 1. Includes Maryland archeological sites, the Maryland
19 Inventory of Historic Properties, the National Register of Historic Places, the
20 Maryland Historical Trust Preservation Easements, the Annapolis Maryland
21 Inventory of Historic Properties, and the Annapolis Maryland Inventory of Historic
22 Properties street map;

23 2. Has been developed and maintained by the Maryland
24 Historical Trust; and

25 3. Is used by the Department to screen incoming
26 applications;

27 (iv) Is located in an area identified as potentially impacting a
28 nontidal wetland of special State concern by a geographical information system
29 database that:

30 1. Has been developed and maintained by the
31 Department of Natural Resources; and

HOUSE BILL 89

1 (i) Regulated activities conducted by the State, a municipal
2 corporation, county, bicounty or multicounty agency under Article 28 or Article 29 of
3 the Code, or a unit of the State, a municipal corporation, or a county;

4 (ii) Performance of agricultural best management practices
5 contained in a soil conservation and water quality plan approved by the appropriate
6 soil conservation district;

7 (iii) Performance of forestry best management practices
8 contained in an erosion and sediment control plan:

9 1. Prepared by a registered forester; and

10 2. Approved by the appropriate soil conservation district;

11 [and]

12 (iv) Stream restoration, vegetative shoreline stabilization,
13 wetland creation, or other project in which the primary effect is to enhance the State's
14 wetland or water resources; AND

15 (v) **AQUACULTURAL ACTIVITIES FOR WHICH THE**
16 **DEPARTMENT OF NATURAL RESOURCES HAS ISSUED A PERMIT UNDER**
17 **§ 4-11A-02 OF THE NATURAL RESOURCES ARTICLE.**

18 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
19 2013, the Aquaculture Coordinating Council shall report to the Department of the
20 Environment and, in accordance with § 2-1246 of the State Government Article, the
21 General Assembly on:

22 (1) The status of commercial aquaculture in the State;

23 (2) The fiscal impact of the fee exemption established under this Act;

24 and

25 (3) Any other findings and recommendations related to the
26 implementation of this Act.

27 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take
28 effect October 1, 2010.